

**BROWNING-FERRIS INDUSTRIES**

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-8100

EPA Region 5 Records Ctr.



275031

June 24, 1994

Mr. Joseph A. Kawecki
Responsible Party Search Section
U.S. Environmental Protection Agency, HSM-5J
77 W. Jackson Boulevard
Chicago, Illinois 60604

R E C E I V E D
JUN 29 1994

**RE: SKINNER LANDFILL SUPERFUND SITE
REQUEST FOR INFORMATION**

**SUPERFUND PROGRAM
MANAGEMENT BRANCH**

Dear Mr. Kawecki:

A letter dated May 24, 1994 was received on June 08, 1994 addressed to BFI Waste Systems, 11563 Mosteller Road, Sharonville, OH 45241. This letter requests information regarding the above-mentioned site pursuant to Section 104(e) of CERCLA.

For your information, the correct corporate entity is Browning-Ferris Industries of Ohio, Inc. ("BFIOH"), and this response is made on behalf of BFIOH. BFIOH previously responded on June 5, 1991 to a request for information regarding the Skinner site. As part of its investigation, BFIOH conducted a diligent search for documents and conducted interviews with individuals who may have knowledge of BFIOH's activities.

In its earlier response, BFIOH stated that the only evidence of its involvement was that one BFIOH driver, Michael Tumulty, recalled transporting construction/demolition debris consisting of wood, bricks, dirt, cement blocks, and perhaps some paper and cardboard to the site on two separate occasions. Upon receipt of the 05/24/94 request from U.S. EPA, BFIOH began to investigate the matter further. As a result of its investigation, BFIOH discovered that Mr. Tumulty hauled the materials allegedly disposed at the site while working for a company called Clarke Services, Inc. -- not BFIOH. BFIOH purchased certain assets for cash from Clarke Services, Inc. on 03/01/84, but did not succeed to the liabilities of Clarke. Mr. Tumulty is a current employee of BFIOH. I request that any contact with Mr. Tumulty be arranged through BFIOH's counsel in this matter, Robert L. Gulley, Browning-Ferris Services, Inc., 757 N. Eldridge, Houston, TX 77079 (713) 870-7694.

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CORPORATE OFFICES: 757 N. ELDRIDGE AT MEMORIAL DRIVE • HOUSTON, TEXAS 77079 • FAX: (713) 870-7844

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BFIOH has located no evidence that it or any of its predecessor companies ever transported any materials to the site. This response will amend BFIOH's 06/05/91 response, and as specified in the instructions of U.S. EPA's latest request, will also address any new questions in the request. Set forth below are BFIOH's responses to each information request.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

See response to 1 of BFIOH's 6/5/91 response.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

See response to 3 of BFIOH's 6/05/91 response.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

Based upon recently discovered information identified above, BFIOH believes that Clarke Services, Inc. may be able to provide information related to the site.

4. List the EPA Identification Numbers of the Respondent, if any.

See response to 4 of BFIOH's 6/05/91 response.

5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom, at the Site.

BFIOH does not have information responsive to this request.

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.

Based upon investigations to date, BFIOH or its contractors did not generate, transport, treat, dispose or handle hazardous substances at the site.

7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no", identify:

Based upon investigations to date, BFIOH has never used, purchased, stored, treated, disposed, transported or handled hazardous substances at the Site.

- a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance:

Not applicable.

- b) Who supplied you with such hazardous substances:

Not applicable.

- c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you:

Not applicable.

- d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you:

Not applicable.

- e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

Not applicable.

- f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Not applicable.

8. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last three years.

See response to 9 of BFIOH's 6/05/91 response.

9. If Respondent is a Corporation, respond to the following requests:

- a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

See response to 10a of BFIOH's 6/05/91 response.

- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.

See response to 10b of BFIOH's 6/05/91 response.

- c. Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

Attached as Appendix 1 is an unaudited balance sheet for BFIOH. BFIOH is the correct corporate entity that is responsible for managing its assets and liabilities.

10. State whether at any time you merged or consolidated with any other entity or company, purchased stock or assets of any other company or entity, previously were known under the name of any other company or entity, or changed your name or assumed the name of any other company or entity, and describe in detail the circumstances of such merger, consolidation, asset or stock purchase, name change or assumption, including the dates thereof. In addition, identify all documents relating to or referring to any merger, consolidation, asset or stock purchase, name change or assumption.

The following Companies have been merged into BFIOH:

<u>Company</u>	<u>Date Acquired</u>	<u>Date Merged into BFI</u>
Bradbury's Rubbish Disposal, Inc. (Ohio)	04/30/70	09/28/73
BFI Waste Systems of Ohio, Inc. (Ohio)	N/A	09/28/73
Brotherton Disposal, Inc. (Ohio)	05/05/72	09/28/73
C & I Refuse, Inc. (Ohio)	08/15/70	09/28/73
City Ash, Inc. (Ohio)	08/15/70	09/28/73
Granger Leasing, Inc. (Ohio)	04/30/70	09/28/73
Quick Trash Service, Inc. (Ohio)	05/25/70	09/28/73
Trumbull Sanitary Land Fill, Inc. (Ohio)	02/23/73	10/01/73
Testa Bros., Inc. (Ohio)	12/21/71	10/01/73
Yeagers' Development Company (Ohio)	09/28/72	10/01/73
Fairfield Industrial Development Organization, Incorporated (Ohio)	05/01/72	10/01/73
Browning-Ferris Industries of Kentucky, Inc. (Kentucky)	N/A	01/17/78
Browning-Ferris Industries of Buffalo, Inc. (New York)	N/A	09/30/79
Empire Sweeping Company (Ohio)	04/26/84	02/28/90
Glen Willow Properties, Inc. (Ohio)	03/12/92	04/10/92

BFIOH has purchased certain assets from various entities in the state of Ohio, but has not succeeded to the liabilities of any of these entities. Therefore, BFIOH is not providing a list of the transactions involving asset purchases.

11. If Respondent is a Partnership, provide copies of the Partnership Agreement.

Not applicable.

12. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

Not applicable.

13. The enclosed summary of Skinner logbook entries indicates that on or about the dates noted, many of you entered into a collection, transport or disposal transaction with the owners and/or operators of the Skinner Landfill. For each of these transactions, answer all questions below, as pertaining to such transaction(s).

Based upon investigations to date, BFIOH did not enter into any collection, transportation, or disposal transaction with the owners and/or operators of the Skinner Landfill.

14. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site from any person? If the answer to this question is anything but an unequivocal "no," identify:

Based upon investigations to date, no.

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;

Not applicable.

- b) Every date on which waste materials were so accepted or transported;

Not applicable.

- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;

Not applicable.

- d) For each material, describe any warnings given to you with respect to its handling;

Not applicable.

- e) The owner of the materials so accepted or transported;

Not applicable.

- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

Not applicable.

- g) All tests or analyses and analytical results concerning each material;

Not applicable.

- h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

Not applicable.

- i) Identify each and every driver who transported any waste materials to the Site, providing full name, current or most recent address, and current or most recent employer. If the current address is unknown to you, please provide any information that would be useful in locating the person(s).

Not applicable.

- j) Identify any other current or former employees other than drivers who have personal knowledge of waste materials being transported to the Site, providing full name, current or most recent address, and current or most recent employer. If the current address is unknown to you, please provide any information that would be useful in locating the person(s).

Not applicable.

15. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:

Based upon investigations to date, BFIOH did not arrange for disposal or treatment or arrange for transportation for disposal or treatment of any waste materials at the Site, and is unaware of any persons who may have done so.

- a) The persons with whom you or such other persons made such arrangements;

Not applicable.

- b) Every date on which such arrangements took place;

Not applicable.

- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;

Not applicable.

- d) The owner of the waste materials or hazardous substances so accepted or transported;

Not applicable.

- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

Not applicable.

- f) All tests, analyses, and analytical results concerning the waste materials;

Not applicable.

- g) The persons(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

Not applicable.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

Not applicable.

- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

Not applicable.

- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

Not applicable.

- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

Not applicable.

- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

Not applicable.

- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;

Not applicable.

- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until there were deposited at the Site, and all markings on such containers;

Not applicable.

- o) The price paid for (i) transport or (ii) disposal of (iii) both, of each waste material and hazardous substance;

Not applicable.

- p) Identify any other current or former employees other than drivers who have personal knowledge of waste materials being transported to the Site, providing full name, current or most recent address, and current or most recent employer. If the current address is unknown to you, please provide any information that would be useful in locating the person(s).

Not applicable.

- q) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;

Not applicable.


- r) All persons with knowledge, information, or documents responsive to a)-o) above.

Not applicable.

BFIOH's investigation as a result of U.S. EPA's 05/24/94 Request for Information indicates that BFIOH has never transported any materials to the Skinner site. BFIOH requests that its name be removed from U.S. EPA's PRP list for the Skinner Landfill site.

Please direct any future questions to BFIOH's Counsel, Robert L. Gulley, whose address and phone number is provided above.

Sincerely,

A handwritten signature in black ink, appearing to be "Bruce Emley", written over a horizontal line.

Bruce Emley
District Manager

cc: Michael L. Miller
Reader
Skinner Landfill 104(e) Subfile

KMP:cj